

# Form F46 – Application to make, vary or revoke a modern award

Fair Work Act 2009, ss.157–161

This is an application to the Fair Work Commission to make a modern award or make a determination varying or revoking a modern award, in accordance with Part 2-3 of the Fair Work Act 2009.

## The Applicant



These are the details of the person who is making the application.

Title	[ <input checked="" type="checkbox"/> Mr [ ] Mrs [ ] Ms [ ] Other please specify:		
First name(s)	Alexander Smith		
Surname	Smith		
Postal address	[REDACTED]		
Suburb	[REDACTED]		
State or territory	NSW	Postcode	[REDACTED]
Phone number	[REDACTED]	Fax number	[REDACTED]
Email address	[REDACTED]		

If the Applicant is not an individual, please also provide the following details

Applicant's legal name	
Applicant's trading name	
Applicant's ABN/ACN	
Contact person	

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**Does the Applicant need an interpreter?**



If the Applicant has trouble accessing this information, please contact us. We can arrange to provide it in another format. You can find information about [help for non-English speakers](#) on our website.

Yes – Specify language

No

**Does the Applicant require any special assistance at the hearing or conference (eg a hearing loop)?**

Yes – Please specify the assistance required

No

**Does the Applicant have a representative?**



A representative is a person or organisation who is representing the applicant. This might be a lawyer or paid agent, a union or employer organisation, or a family member or friend. There is no requirement to have a representative.

Yes – Provide representative's details below

No

**Applicant's representative**



These are the details of the person or organisation who is representing the Applicant (if any).

Name of person			
Firm, organisation or company			
Postal address			
Suburb			
State or territory		Postcode	

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Phone number		Fax number	
Email address			

Is the Applicant's representative a lawyer or paid agent?

Yes

No

### 1. Coverage

1.1 What is the name of the modern award to which the application relates?



Include the Award ID/Code No. of the modern award.

Rail Industry award 2020

1.2 What industry is the employer in?

Railway

1.3 Does the application relate to the Care and Community Sector?



The Care and Community Sector includes, but is not limited to, the aged care, early childhood education and care and disability care sectors. Applications to make, vary or revoke awards that relate to the Care and Community Sector are decided by Care and Community Sector Expert Panels. See sections 617(8) and (9) of the FW Act.

Yes

No

Unsure

### 2. Application

2.1 What are you seeking?

Specify which of the following you would like the Commission to make:

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a determination varying a modern award

a modern award

a determination revoking a modern award

**2.2 Does the application seek to vary modern award minimum wages?**

Yes

No

**2.3 Does the application relate to gender pay equity?**



Variations to awards relating to substantive gender pay equity matters are decided by pay equity Expert Panels. See sections 617(6) and (9) of the FW Act. See also work value reasons in s.157(2A) and (2B).

Yes

No

Unsure

**2.4 What are the details of your application?**

Outline the changes you are asking the Commission to make. For example - if you are asking the Commission to vary an existing award, you should set out which parts of the award you are asking the Commission to change and how you think these parts should be changed.

Rail Protection officers covered under the award have a safety critical role. This role has a great deal of responsibility for the lives & well being of workers on site. We protect the workers & worksite from rail traffic. It is high stress & involves alot of travel. Therefore the role needs to be remunerated higher.

Attach additional pages, if necessary.

**2.5 What are the grounds being relied on?**

Using numbered paragraphs, specify the grounds on which you are seeking the proposed variations.

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You must outline how the proposed variation etc is necessary in order to achieve the modern awards objective, and the minimum wages objective if it applies, as well as any additional requirements set out in the FW Act.

Higher wages will help attract higher quality candidates to this important & overlooked role. The role is demanding & without sufficient remuneration we can't get quality staff.

Attach additional pages, if necessary.

Signature



If you are completing this form electronically and you do not have an electronic signature you can attach, it is sufficient to type your name in the signature field. You must still complete all the fields below.

Signature	[Redacted]
Name	Alex Smith
Date	19/1/24
Capacity/Position	Protection officer



Where this form is not being completed and signed by the Applicant, include the name of the person who is completing the form on their behalf in the **Capacity/Position** section.

PLEASE RETAIN A COPY OF THIS FORM FOR YOUR OWN RECORDS